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PPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/887,832	06/21/2001	Elaine A. Delack	P0136	8018
7590 12/17/2003		EXAMINER		
Todd N. Hathaway			PRYOR, ALTON NATHANIEL	
Attorney at Lav			ART UNIT	PAPER NUMBER
119 N. Commercial St., # 620			ARTONII	FAFER NUMBER
Bellingham, WA 98225-4437			1616	

DATE MAILED: 12/17/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

	i de la companya de l	Application No.	Applicant(s)				
.		09/887,832	DELACK, ELAINE A.				
	Office Action Summary	Examiner	Art Unit				
		Alton N. Pryor	1616				
The MAILING DATE of this communication app ars on the cover sheet with the correspondenc address Period for Reply							
THE I - Externafter - If the - If NO - Failu - Any r	ORTENED STATUTORY PERIOD FOR REPL' MAILING DATE OF THIS COMMUNICATION. nsions of time may be available under the provisions of 37 CFR 1.1 SIX (6) MONTHS from the mailing date of this communication. period for reply specified above is less than thirty (30) days, a repl period for reply is specified above, the maximum statutory period or re to reply within the set or extended period for reply will, by statute eply received by the Office later than three months after the mailing and patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be time y within the statutory minimum of thirty (30) days will apply and will expire SIX (6) MONTHS from the cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).				
1) 🗌	Responsive to communication(s) filed on <u>28 October 2002</u> .						
2a)⊠	This action is FINAL . 2b) This action is non-final.						
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Dispositi	on of Claims						
4)	Claim(s) <u>18-24</u> is/are pending in the application.						
5) [6) [7) [4a) Of the above claim(s) 19 and 20 is/are withdrawn from consideration. Claim(s) is/are allowed. Claim(s) 18,21-24 is/are rejected. Claim(s) is/are objected to.						
Applicati	on Papers	·					
10)	The specification is objected to by the Examine The drawing(s) filed on is/are: a) acc Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the Ex	epted or b) objected to by the Education of the Education is required if the drawing(s) is objected to be supported in the Education of the Ed	e 37 CFR 1.85(a). sected to. See 37 CFR 1.121(d).				
Priority under 35 U.S.C. §§ 119 and 120							
a)∫ 13)	Acknowledgment is made of a claim for foreign All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority application from the International Bureau See the attached detailed Office action for a list acknowledgment is made of a claim for domestince a specific reference was included in the first 7 CFR 1.78. 1) The translation of the foreign language procedures the company of the foreign language procedures as included in the first sentence of the company of the company of the first sentence of the company of the first sentence of the company of the company of the first sentence of the company of the company of the first sentence of the company of	is have been received. Is have been received in Applicationity documents have been received in Applicationity documents have been received (PCT Rule 17.2(a)). In of the certified copies not received ic priority under 35 U.S.C. § 119(ast sentence of the specification or povisional application has been received in priority under 35 U.S.C. §§ 120	on No ed in this National Stage ed. e) (to a provisional application) e in an Application Data Sheet. eived. and/or 121 since a specific				
Attachmen	• •						
2) D Notic	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449) Paper No(s) _	5) Notice of Informal P	(PTO-413) Paper No(s) atent Application (PTO-152)				

Art Unit: 1616

DETAILED ACTION

Response to Amendment

Applicant's arguments filed 10/28/02 have been fully considered but they are not persuasive.

I. The amendment filed 10/28/02 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "administering to a patient on an ongoing basis" and "to stimulate and sustain production of cyclic AMP". See claims 18 and 21.

Applicant is required to cancel the new matter in the reply to this Office Action.

The specification is objected to / rejected as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: In amended claims 18,21-24 (specifically claims 18 and 21) note the following phrases are not mentioned in the original specification:: "administering to a patient on an ongoing basis" and "to stimulate and sustain production of cyclic AMP".

II. Rejection of claims 18,21-23 under 35 USC 102(b) as being anticipated by Bykova (SU '653) will be maintained for reasons on record and reasons as follows.

Applicant argues that Bykova does not show (teach) a method for treating a neurodegenerative condition. Instead, Applicant argues that Bykova teaches a method

Art Unit: 1616

for diagnosing multiple sclerosis; whereas, Applicant teaches an ongoing treatment process. Examiner argues that the term "neurodegenerative condition" is broad and would include multiple sclerosis. Examiner argues that Applicant provides no support in the instant specification for an ongoing treatment process.

- III. Applicant argues that Bykova does not show administering the monoamine oxidase-A or its agonist "in an amount sufficient that said histamine H2 agonist is produced in an amount adequate to stimulate and sustain cyclic AMP at a level which maintains myelin against undergoing self-degeneration. Examiner argues that it is inherent that Bykova's method of administering monoamine oxidase-A or its agonist would yield the production of histamine H2 in an amount adequate to stimulate and sustain cyclic AMP at a level which would maintain myelin against undergoing self-degeneration. This is deduced because both Application and prior art discloses the same active step of monoamine oxidase-A administration.
- III. Rejection of claims 18,21-23 under 35 USC 102(b) as being anticipated by Greenberg will be maintained for reasons on record and reasons as follows. Applicant argues that Greenberg fails to teach a method of therapeutic treatment. Examiner argues and maintains that Greenberg clearly teaches the "chronic treatment" of rats with monoamine oxidase-A agonist (reserpine) which is a therapeutic treatment method. See reference.
- IV. Rejection of claim 24 under 35 USC 103(a) as being obvious over Byvoka or Greeenberg will not be maintained. The prior art references do not teach or suggest the instant method of administering 1-10 mg/kg S.C. per day of a monoamine oxidase-A.

Art Unit: 1616

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Telephonic Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alton N. Pryor whose telephone number is 703 308-4691. The examiner can normally be reached on 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman Page can be reached on 703-308-2927. The fax phone number for the organization where this application or proceeding is assigned is 703 305-3592.

Art Unit: 1616

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-1235.

Alton Pryor

Primary Exarminer

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